

Draft Review Cap

SDMS Document ID



2009729

THE ADMINISTRATOR

The Honorable Patty Murray  
United States Senate  
Washington, DC 20510-4704

Dear Senator Murray:

Thank you for your letter dated January 3, 2003 requesting information about EPA's efforts to address asbestos contamination in the town of Libby, Montana. Our aggressive response to this problem has included several unique national initiatives. I am pleased to report that our cleanup project is making steady progress in protecting the health of the Libby community. Our staff has diligently pursued the possible trail of Libby asbestos shipped around the country, and it appears that we have identified the principal sites of concern. We continue to follow up to ensure that our investigations and cleanups are comprehensive and protective.

I will respond to your specific questions in order below:

1. What were EPA's recommendations on formation of a policy to inform consumers of potential dangers from exposure to Zonolite insulation?

EPA has no evidence to suggest that homes around the country with vermiculite attic insulation pose a significant human health risk, outside of the unique conditions in Libby, Montana. EPA decided to remove all potential sources of exposure to asbestos in Libby, including asbestos contamination in yards, playgrounds, parks, industrial sites, the interiors of homes and businesses, and vermiculite attic insulation. The comprehensive efforts in Libby reflect a unique situation where citizens have been exposed for many years to widespread, high levels of asbestos contamination, and suffer unprecedented rates of asbestos-related illness.

In the Spring of 2001, in response to issues raised about the potential risks of asbestos contaminated vermiculite attic insulation in Libby, EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) began the first phase of a study to evaluate the level of asbestos in vermiculite attic insulation in homes. This study will be used to help the Agency evaluate whether there is a potential risk to homeowners from attic insulation and to determine if the

guidance in place for many years— to manage asbestos contaminated material in place or hire professionals to conduct removals— is still appropriate or needs to be revised.

Formal external peer review is finished for the first phase of the study. The Agency's Office of Research and Development (ORD) is also reviewing the study. After EPA reviews these documents and addressed any comments, OPPTS anticipates finalizing the initial phase of the study later this year, and determining the need and scope of further studies.

Based on the findings from these studies, EPA will also issue additional guidance and outreach materials to complement existing material available on the Agency's website and further inform the public about how best to manage vermiculite attic insulation.

2. To what extent were OMB and other federal agencies and departments involved in the decision whether to declare a public health emergency in Libby or to notify people nationwide of the dangers potentially posed by exposure to Zonolite?

EPA consulted extensively internally, as well as with other federal and state partners in determining the best course of action to address all sources of asbestos contamination in Libby. This included the Office of Management and Budget (OMB), Agency for Toxic Substances and Disease Registry, U.S. Geological Survey, Occupational Safety and Health Administration, the State of Montana, and many others. In general, EPA tries to share information and discuss its response decisions with other interested parties.

Regarding the question of whether there is a public health emergency in Libby, I believe you are referring to the Superfund law, which allows EPA to clean up certain building "products" only if EPA concludes that there is a public health or environmental emergency. EPA concluded that homes in Libby contained vermiculite attic insulation that did not constitute a "product." We therefore could clean up the insulation without addressing the question of whether it constituted a public health emergency.

3. What process did the Administration use in making these decisions? Specifically what roles did individual agencies play and who in these agencies was involved in the process?

In making its response decisions, EPA engaged in a major effort to discuss and consider the issues associated with its approach to cleaning up asbestos contamination in Libby. The Agency also identified and investigated 241 domestic vermiculite processing facilities. Although 175 of these sites had processed Libby vermiculite, EPA's sampling confirmed that contamination only remained at 22 sites. To date, EPA or the responsible parties, have cleaned up approximately 10 of these sites, and the remaining 12 are either being addressed or are under further investigation and response planning. This effort has been one of the most significant actions ever taken under the Superfund program, and has involved the participation and collaboration of a great many people and organizations at the local, state and federal level.

High level officials from EPA, Health and Human Services, and many other

organizations have seen the importance of personally visiting the site, meeting with the community, and taking an active interest or role in the project. However, the process for considering issues and making decisions about how to address contamination in Libby has been completely consistent with EPA's regulations and guidance, including the National Oil and Hazardous Substances Pollution Contingency Plan.

4. Which outside parties, such as corporations, non-governmental organizations or associations, did EPA consult with on these decisions?

During the more than two years in which EPA has been working on Libby, Agency officials have met with the Libby community and its Technical Assistance Group, other agencies, businesses in Libby and international corporations, various associations, the State and subcommittees of both houses of the U.S. Congress. Community members, the Vermiculite Association, and W.R. Grace Corp. have all corresponded with my office, to state their opinions or to ask for information about our work at the site.

5. What was OMB's final recommendation to EPA? What recommendations, if any, did EPA receive from other federal agencies and departments?

OMB and our other federal partners conferred with the Agency as EPA developed and implemented a response strategy, just as EPA relies on the specific expertise of other federal agencies at other Superfund site cleanups. To the best of my knowledge, EPA did not receive recommendations from any federal agency or department, or act on a recommendation from any other outside entity regarding the decision to address all potential sources of exposure to contamination in Libby, or our efforts to educate the public about vermiculite attic insulation.

6. Who ultimately directed EPA not to issue a public health emergency in Libby last spring nor to proactively notify the public in a proper manner?

EPA was not directed by any external entity in its decision regarding the Libby cleanup. EPA has provided publicly available information about the potential for exposure to asbestos in contaminated vermiculite, the need to avoid disturbing the material and the importance of proper handling.

It bears repeating that EPA has no evidence to suggest that vermiculite attic insulation in homes around the country poses a significant public health risk outside of the unique circumstances found in Libby, Montana.

7. What are EPA's most current estimates of how many homes, businesses and schools still contain Zonolite? How did EPA derive these numbers?

At the outset of our involvement, EPA tried to estimate how many homes, businesses and schools may still contain vermiculite attic insulation. However, the Agency ultimately determined that this task would be virtually impossible to complete, and that any numbers derived from such an effort would be inaccurate, and very likely misleading.

For example, the Libby vermiculite mine operated for some 40 years prior to being bought by W.R. Grace. EPA has never been able to secure any records of mine operations for the period before Grace owned the mine, nor to determine what became of the material produced. It is widely believed that most of the vermiculite produced during this time period was used to produce attic insulation, but this cannot be confirmed.

After buying the mine, Grace introduced new products and shifted its focus away from attic insulation in favor of other uses. EPA calculates that Grace's largest customer for Libby vermiculite ore was an agricultural products manufacturer. An estimate of production rates or final uses of the vermiculite produced during Grace's operations would probably differ greatly from the production and uses in the years before Grace owned the mine.

In addition to having virtually no information about how many homes contain vermiculite insulation (outside of Libby), there is also very little information about what happens to homes after they are built. Remodeling, replacement of insulation, and demolition of old homes and buildings are common occurrences. While national estimates are available for these activities, they tell us nothing about whether vermiculite insulation remained in any specific home.

EPA's experience in Libby is a prime example of these problems. The Agency is in the process of visually inspecting each and every home in the Libby valley to identify which homes have vermiculite insulation in the attic and wall spaces. The good news is that EPA is finding vermiculite insulation in far fewer homes than the Agency anticipated.

In light of the lack of information, and given that EPA believes the vermiculite insulation is best managed in place, the Agency did not attempt to calculate or estimate how many homes, businesses and schools may contain vermiculite insulation. However, EPA does believe it is reasonable to assume that more than one million buildings in the US currently could contain vermiculite insulation.

Again, thank you for your support of EPA's cleanup efforts in Libby, Montana. I look forward to working with you and with your staff to continue our mutual goal to protect the health and welfare of the residents of Libby, Montana, and of the United States.

Sincerely yours,

Christine Todd Whitman